

March 10, 2004

R. Alexander Acosta, Esq.
Assistant Attorney General
United States Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Office of the Attorney General, Main
Washington, D.C. 20530

Re: CRIPA Investigation of Adobe Mountain School, Black Canyon School, and Catalina Mountain School

Dear Mr. Acosta:

I am writing in response to your January 23, 2004 letter of findings and recommendations regarding three juvenile correctional facilities operated by the Arizona Department of Juvenile Corrections (ADJC or the Department), Adobe Mountain School (AMS), Black Canyon School (BCS), and Catalina Mountain School (CMS). This initial response is submitted in accordance with the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. 1997, et. seq.

I assure you that my Administration is fully committed to the expeditious adoption and implementation of an agreement between the State of Arizona and the Department of Justice that will remedy constitutional and federal statutory deficiencies at ADJC's facilities. I was gratified by your commendation of ADJC staff for their helpfulness, professionalism, and cooperation throughout the investigation conducted by the Department of Justice (DOJ) Civil Rights Division attorneys and their consultants, when they visited the three facilities between October 1, 2002 and January 13, 2003. I have directed ADJC personnel to continue to work with your office in that spirit.

ADJC's mission, to enhance public safety by changing the delinquent thinking and behavior of committed juveniles, reflects the Department's adoption of a treatment and rehabilitation-based approach to its responsibilities. ADJC believes that the safety and security of juveniles and staff in its facilities and the provision of meaningful treatment, education, and rehabilitative services are interdependent. The Department employs cognitive behavioral

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strategies for working with the youth committed to its care as the means to realizing its mission. Department officials will work with your office to ensure juveniles receive adequate services in a safe and healthy environment.

As you are aware, there has been a change in leadership at ADJC since the DOJ visits. Former Director David Gaspar retired on September 30, 2003, and Michael Branham was appointed Interim Director. Former Assistant Director for Secure Facilities Joseph Taylor also retired on November 7, 2003. Likewise, there are new superintendents at Adobe Mountain and Catalina Mountain Schools. Mr. Branham and his staff have been working to address the issues confronting the Department.

Reflective of the desire to correct the conditions you have described, ADJC did not await your findings and recommendations to implement changes. Beginning shortly after the first suicide in April 2002, the Department embarked on an aggressive plan to address physical and programmatic deficiencies. Efforts to correct other concerns have been ongoing since the DOJ team inspected the three facilities and provided exit debriefings to ADJC administrators.

The enclosed document addresses each of the 16 recommendations in the letter. For each DOJ recommendation, there is a list of tasks ADJC has already accomplished and tasks the Department intends to achieve. I look forward to further communications in pursuit of our important mutual goal of providing a safe and secure environment for committed youth in Arizona.

In addition to the Department's legal response to DOJ that has been drafted in conjunction with the Governor's Office, I believe that continued recommendations on juvenile corrections reform are essential. Therefore, I have appointed a Juvenile Corrections Reform Task Force which will hold its first meeting this spring. The recommended goals of this Task Force are to:

- (1) Provide oversight to the Department of Juvenile Corrections on the implementation of the recommendations in response to the CRIPA report; and
- (2) Advise the Department on broader juvenile justice system issues, including cross-system integration, youth re-entry into the community, and the possible formation of an external review process for youth committed to ADJC.

The Task Force will be composed of experts from the judiciary, juvenile justice, behavioral health, medical, and education systems, as well as members of the Arizona Legislature and the general community.

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I look forward to working with your team, and am pleased to invite DOJ staff to return to Arizona on March 22, 2004 to view the improvements ADJC has already accomplished and to begin discussions that will lead to an agreement between the State of Arizona and the Department of Justice. I would like to join the DOJ team for at least some of the facility tours.

As we engage in further discussions, ADJC will supply additional detail regarding its responses. My Administration has begun to explore the costs involved and strategies for meeting them. Other enhancements to ADJC facilities and programs will require time to implement and complete. Nonetheless, I fully anticipate that the Department of Justice and my Administration will reach a final agreement, and that ADJC will implement it in a timely fashion, to the benefit of some of Arizona's most troubled youth.

Yours very truly,

Janet Napolitano
Governor

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